

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CV-3-D

JOHN MICHAEL SCARDINA,)	ORDER
)	
Plaintiff,)	
)	
v.)	
)	
WENDY PANEK, and)	ORDER
WESLEY ROBINSON,)	
)	
Defendants.)	

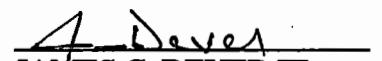
On November 30, 2021, this court adopted the conclusions in the M&R [D.E. 15], directed John Michael Scardina (“Scardina” or “plaintiff”), appearing pro se, to submit proposed summonses to the Clerk of Court, directed the clerk to issue the summonses and return the summonses to the plaintiff for service in accordance with the Federal Rules of Civil Procedure and the rules of this court. See [D.E. 17]. The court also extended the time for Scardina to effect service of process to December 29, 2021, and directed Scardina to file his proof of service of process within 10 days after the date the summonses are served. See id. On December 16, 2021, Scardina filed a writ of error que coram nobis resident [D.E. 18], and a testimony in the form of an affidavit certification of service motion for default and for default judgment [D.E. 19].

To date, Scardina has not submitted proposed summonses to the Clerk of Court for issuance and service of process has not been effected. The motion “a testimony in the form of an affidavit certification of service motion for default and for default judgment” [D.E. 19] is DISMISSED as meritless. Not later than March 25, 2022, Scardina shall submit proposed summonses to the Clerk of Court for issuance.

The court WARNS that if the plaintiff fails to meet any other deadlines or act in accordance with the rules of this court, sanctions (up to and including dismissal) will be imposed. Cf. Hathcock v. Navistar Int'l Transp. Corp., 53 F.3d 36, 40–41 (4th Cir. 1995).

In sum, plaintiff shall submit proposed summonses to the Clerk of Court for issuance by March 25, 2022. The motion for entry of default and default judgment [D.E. 19] is DISMISSED.

SO ORDERED. This 11 day of March, 2022.


JAMES C. DEVER III
United States District Judge